REMARKS

The Examiner's Final Office Action mailed July 17, 2007 with a three-month response interval has been carefully considered. Claims 2-28, 32, and 35-39 are currently pending in this application

Claim 11 has been amended to correct a grammatical error and to more clearly set forth the claimed invention and to overcome the rejection based on 35 U.S.C. § 112 set forth in the Office Action. This amendment has not changed the scope of claim 11. No new matter has been added. In the Final Office Action claim 11 was interpreted as amended hereby. See page 3, section 3 thereof. Therefore, Applicants respectfully request this rejection be withdrawn and that this Amendment be entered.

Disqualification of Faltesek et al. under 35 U.S.C. § 103(c)

Many of the pending claims have been rejected as obvious and unpatentable over Finn et al. in view Faltesek et al. published application 2005/0105743 A1. Faltesek et al. is commonly owned by the assignee of the present application and is not available as prior art pursuant to 35 U.S.C. §103(c). Attached hereto are documents from the Patent Office's Assignment database disclosing a common Assignee. The undersigned attorney of record hereby makes the following statement on behalf of the Applicants:

The above-identified application and Faltesek et al. published U.S. application 2005/0105743 A1, were at the time the invention of the above-identified application was made commonly owned by Honeywell International, Inc.

Pursuant to MPEP § 706.02(l)(2)(II) the above statement alone is sufficient to disqualify Faltesek et al. from being used in a rejection based on 35 U.S.C. § 103(a) against the claims of the present application. Therefore, Applicants respectfully request that all rejections based on Faltesek et al. be withdrawn.

Embodiments of the present invention make it possible to automatically and consistently evaluate intelligibility of audio output from one or more loud speakers into a region. As implemented in some of the embodiments, a sequence of audible

or audio test signals can be consistently and automatically generated using control circuitry coupled to a plurality of loud speakers.

The loud speakers emit machine generated audible test signals into the region of interest. The audible signals can be detected using one or more microphones located throughout the region. Subsequently, signals from microphones can be processed using for example speech transmission index processing either on a distributed basis or at a common location. Results are processing, for example, respective index values can be presented to an operator.

Claims 32 and 35-39 are not anticipated by Kimura et al. Unlike the claimed invention Kimura et al. discloses sensors that merely measure noise condition such as sound pressure level and sound type. U.S. Patent Application Publication 2003/0128850 at Figs. 1 & 3, ¶ 0032. Additionally, the sensors taught by Kimura et al. are merely used to automatically adjust the volume of speaker output. Kimura et al. states that "the automatic sound volume-adjusting sensor detects noise condition (sound pressure level, kind of sound, and so on)" and the volume level of the speaker is adjusted "on the basis of the noise condition detecting result sent from the automatic sound volume-adjusting sensor...." Kimura et al. ¶ 0032. Therefore, Applicants respectfully request that this rejection be withdrawn.

Based on this Amendment and for at least the above reasons the pending claims are allowable. Allowance of the application is respectfully requested.

Respectfully submitted,

Dated: September 19, 2007 By _____

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Patent Assignment Abstract of Title

NOTE:Results display only for issued patents and published applications. For pending or abandoned applications please consult USPTO staff.

Total Assignments: 1

Patent #: NONE **Issue Dt:** **Application #:** 10716157 **Filing Dt:** 11/18/2003

Publication #: 20050105743 **Pub Dt:** 05/19/2005

Inventors: Anthony E. Faltesek, Patrick S. Gonia

Title: Automatic audio systems for fire detection and diagnosis, and crew and person locating during fires

Assignment: 1

Reel/Frame: 015236/0475 **Recorded:** 04/19/2004 **Pages:** 3

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

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Patent Assignment Abstract of Title

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Total Assignments: 1

Patent #: NONE **Issue Dt:** **Application #:** 10740200 **Filing Dt:** 12/18/2003

Publication #: 20050135637 **Pub Dt:** 06/23/2005

Inventors: Charles R. Obranovich, Philip J. Zumsteg, Andrew G. Berezowski, Walter Heimerdinger et al

Title: Intelligibility measurement of audio announcement systems

Assignment: 1

Reel/Frame: 015492/0821 **Recorded:** 06/21/2004 **Pages:** 7

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

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